IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 21739 of 2007(K)

PETITIONER:

K.P. KHALID,
KOODATHALULMMEL HOUSE, KUNNAMANGALAM P.O.,
PATHIMANGALAM, KOZHIKODE.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:
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1. REGIONAL TRANSPORT AUTHORITY,KOZHIKODE.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KOZHIKODE.

3. C.M. SUJATHA, W/O. DEVADASAN,
PUZHAKKAD HOUSE, MANNUR P.O., KOZHIKODE.

BY GOVT PLEADER SRI. M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 21739/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE PROCEEDINGS OF THE RTA KOZHIKODE, GRANTING REGULAR PERMIT TO THE 3RD RESPONDENT DT. 31.1.05

EXT.P2. COPY OF THE PROCEEDINGS OF THE RTA, KOZHIKODE REJECTING THE PETITIONER'S APPLICATION DT. 31.1.05

EXT.P3. COPY OF THE JUDGMENT DT. 29.4.05 IN MVARP NO.42/2005

EXT.P4. COPY OF THE JUDGMENT DT. 29.4.05 IN MVAA NO.109/2005

EXT.P5. COPY OF THE JUDGMENT DT. 21.11.05 IN W.P.(C) NO.14345/05

EXT.P6. COPY OF THE REPRESENTATION PREFERRED BY THE PETITIONER TO THE RTO, KOZHIKODE DT. 19.9.06

EXT.P7. COPY OF THE PROCEEDINGS OF THE RTA, KOZHIKODE DT. 25.4.07

/TRUE COPY/
PA TO JUDGE.

ANTONY DOMINIC, J.

W.P.(C). NO. 21739 OF 2007

Dated this the 18th day of September, 2007

J U D G M E N T

On an earlier occasion when permit was granted to the 3rd respondent, it was challenged in appeal before the Tribunal which resulted in Exts. P3 and P4. That was challenged by the 3rd respondent in W.P.(C) No.14345/2005 and by Ext.P5 judgment this court disposed of the writ petition directing that the RTA shall in granting permit comply with Rule 145 (1) of the Kerala Motor Vehicles Rules, 1989. On that basis the matter was remanded to the RTA for reconsideration. In pursuance to the remand, the RTA reconsidered the matter and passed Ext.P7. On going through Ext.P7, it is obvious that the direction in Ext.P5 judgment to comply with the procedure laid down in Rule 145 has not been complied with by the RTA. Therefore Ext.P7 needs to be quashed and I do so. The RTA shall reconsider the matter as directed in Ext.P5 in confirmity with Rule 145(1) of the Rules and pass revised orders within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

vps

K.R. UDAYABHANU, JUDGE

CRL.A. NOS.721/99 & 213/02

JUDGMENT

13TH SEPTEMBER, 2007

CRL.R.P.769/00

ORDER IN CRL.M.P. NO.4143/00 IN CRL.R.P.769/00

DISMISSED

13.9.07 SD/- **K.R. UDAYABHANU, JUDGE**

/TRUE COPY/

PA TO JUDGE.